

June 30, 2011

To: [REDACTED] Environmental Scientist Manager
Acadiana Region-Lafayette, LA
Surveillance Division

From: [REDACTED] Environmental Scientist Supervisor
Acadiana Region-Lafayette, LA
Surveillance Division

Re: [REDACTED] - Crowley Oil Spill Event
AI# 176474
LAU006661
Incident # 131413 & 131414
Contact: [REDACTED]

On May 28, 2011, the Department received a citizen's complaint (Incident # 131413) concerning diesel observed in a waterway near the Roller Road Bridge in Crowley, Acadia Parish, Louisiana. On May 28, 2011, at approximately 12:30pm, I was contacted by [REDACTED] of LDEQ and notified of the incident. I departed for the Acadiana Regional Office to obtain my equipment and vehicle.

At approximately 2:00pm I arrived at the Roller Road bridge site. When I arrived on site numerous Acadia Parish Sheriff's deputies were on site as well as some Crowley Fire Department employees. I exited my vehicle and viewed the water from the bridge. A dark oily material was observed floating on top of the water and strong diesel odors were noted. A drum was observed in the water but it did not appear to be leaking. Not long after I arrived on site, the sheriff's deputies departed the site and the Fire Department employees and I remained on site. I took photographs to document my observations. The Fire Department employees (Deputy Chief [REDACTED] and Fireman [REDACTED] and I began our search to find the source of the oil.

After several hours, Deputy Chief [REDACTED] Fireman [REDACTED] and I identified a large above ground storage tank (estimated size 20'H X 15'W) that was located approximately 230' north of the unnamed ditch that goes under West Mills Street (near Southwest Rice Mill). As we examined the above ground storage tank and its location several observations were made:

1. Piping was observed on the ground adjacent to the tank. The piping was oily and appeared to have come from the tank.
2. A large pile of earthen materials were found stockpiled next to the above ground storage tank.
3. A ditch was dug near the storage tank. It was dammed up on one side to prevent materials from flowing onto the Southwest Rice Mill property. The ditch contained oily/diesel materials. Staining was observed on the side of the ditch which indicated the materials had been much higher in the ditch at an earlier time.
4. Two railroad crossties were observed crossing the oily/diesel stained ditch. On the opposite side of the ditch a pile of discarded railroad crossties were found.
5. Vegetation just south of the above ground storage tank was coated in oily/diesel materials.
6. The valve of the tank was located. It had been filled with dirt and rocks and partially buried with earthen materials.
7. Oily/diesel materials that flowed out of the tank flowed into an adjacent drainage ditch approximately 15-20' east of the tank. (From there the materials flowed downstream until they eventually flowed into Bayou Blanc.)

A little bit later, State Trooper [REDACTED] arrived at the site and investigated that area where the above ground storage tank had released. While [REDACTED] was conducting [REDACTED] investigation [REDACTED] with Acadia Parish Office of Emergency Preparedness arrived on site. [REDACTED] brought some maps with [REDACTED] but unfortunately the maps [REDACTED] brought to the site with [REDACTED] did not indicate who owned the property in question.

In an attempt to locate a responsible party, Deputy Chief [REDACTED] began calling businesses in the area from fire plan information [REDACTED] had. The first person contacted was [REDACTED] of G&H Seed. After [REDACTED] viewed the property [REDACTED] stated that [REDACTED] thought that the property in question belonged to either Acadiana Railway or to [REDACTED] of Southwest Rice Mill. [REDACTED] provided us with a telephone number for Acadiana Railway and attempted to provide us a telephone number for [REDACTED] but that number was not published.

Deputy Chief [REDACTED] contacted [REDACTED] via telephone. Deputy Chief [REDACTED] stated that when [REDACTED] questioned [REDACTED] about the situation, [REDACTED] admitted [REDACTED] employees caused the release. Deputy Chief [REDACTED] requested [REDACTED] presence at the site. [REDACTED] arrived on site at approximately 5:00pm.

When [REDACTED] arrived at the site [REDACTED] informed us [REDACTED] Deputy Chief [REDACTED] Fireman [REDACTED] and I) that [REDACTED] had hired a crew to clean up the property and improve drainage at the request of Acadiana Railroad. [REDACTED] stated that while the crew was digging a ditch with a mini backhoe (that [REDACTED] rented from Stein's Lumber) the crew hit the above ground storage tank and caused a small spill yesterday. I informed [REDACTED] that the spill was not a small spill and that the materials had already hit Bayou Blanc. Trooper [REDACTED] asked [REDACTED] for the name of the company [REDACTED] hired to dig the ditch. [REDACTED] said [REDACTED] did not know the name of the company. Then, Trooper [REDACTED] asked [REDACTED]

whether or not the company [redacted] hired to dig the ditch was insured. Again [redacted] responded that [redacted] did not know. Trooper [redacted] advised [redacted] that since the crew [redacted] hired caused the release that [redacted] would have to hire a clean up contractor and clean up the spill and that I could provide [redacted] with a list of clean up contractors. [redacted] argued that [redacted] wasn't responsible for cleaning up the spill. [redacted] acknowledged that although the crew [redacted] hired caused the release, [redacted] didn't own the tank or the property on which the tank was located. [redacted] told us that [redacted] thought the above ground storage tank belonged to Acadiana Railway. [redacted] began making calls to [redacted] of Acadiana Railway. [redacted] could not be reached. During the conversation, [redacted] told us that [redacted] had considered scrapping the tank a while back but when "they" banged on the tank "they" realized the tank was not empty so [redacted] decided not to scrap it. I informed [redacted] that anyone with knowledge of a spill or a release has a duty to notify. Again [redacted] stated [redacted] wasn't responsible. I informed [redacted] that [redacted] had knowledge of the release and so did the crew [redacted] hired and that all persons involved or with knowledge of the release had a duty to report the release. The Fire Department representatives brought [redacted] over to the tank so [redacted] could see the area of concern.

While [redacted] was viewing the tank, I contacted [redacted] for advice. While talking to [redacted] [redacted] arrived back to the location where Trooper [redacted] and I were waiting. Trooper [redacted] approached while I was on the phone with [redacted] Trooper [redacted] indicated that [redacted] stated that the tank was not on [redacted] property and that although [redacted] crew caused the release [redacted] wasn't going to sign anything or hire anyone. After hanging up with [redacted] [redacted] told all of us that the tank was a time bomb waiting to happen. [redacted] stated that I could contact a clean up contractor and that things could be settled later but that [redacted] was not going to be held solely responsible.

A few minutes later [redacted] called back and I updated [redacted] on the situation at the site. [redacted] offered to speak to [redacted]. After speaking to [redacted] [redacted] stated that [redacted] understood our position, but that [redacted] wasn't responsible for the clean up. I explained to [redacted] again that [redacted] crew caused and allowed the spill to occur, that they did not adequately contain the spill and did not secure the tank after causing the release. Finally, [redacted] of Acadiana Railway called [redacted] back. [redacted] informed us that [redacted] of Acadiana Railway told [redacted] it was [redacted] problem. [redacted] stated that [redacted] was sure this wasn't our first time where there was a difference of opinion over responsibility. I informed [redacted] that in all my years with DEQ I personally had never had a case where the responsible party didn't step up and accept responsibility for clean-up. [redacted] informed me that [redacted] wasn't signing anything and that [redacted] wouldn't be left holding the bag. Trooper [redacted] and I made several more attempts/requests to get [redacted] to do what [redacted] needed to do to start the clean up of the site. [redacted] refused, but before leaving the site, [redacted] took down the name and number of one clean up contractor from the list I provided [redacted]

After [redacted] departed the site, Deputy Fire Chief [redacted] and fireman [redacted] assisted me in defining the plume.

The tank is located at 30° 12' 9.3"N and -92° 23' 1.9"W

Thick concentrated materials observed in an unnamed ditch located at 30° 12' 6.8"N and -92° 23' 1.0"W – (~30 yards south of the tank)

Materials flowed south and west into Bayou Blanc. Thick and strong smelling materials were observed at 30° 11' 35.7"N and -92° 23' 17.2"W.

The materials flowed south and east behind the Hensgens ballpark where tournaments/games were taking place. The plume traveled to 30° 12' 7.8"N and -92° 22' 39.6"W. The plume was traveling towards the Bayou Bend Golf Course community.

Before leaving Crowley, Fireman [REDACTED] offered to assist me the following day in accessing the plume.

At 8:15 pm while on my way back to the ARO I was contacted via telephone by [REDACTED]. [REDACTED] I pulled off of I-10 to speak to [REDACTED]. [REDACTED] stated that [REDACTED] spoke to [REDACTED] "people" and [REDACTED] had 5 reasons why [REDACTED] was not responsible for this incident.

#1- [REDACTED] called [REDACTED]

#2- [REDACTED] received authorization from the railroad company to dig the ditches.

#3- It's not [REDACTED] property.

#4- The tank should be marked.

#5- [REDACTED] is not solely responsible. Although [REDACTED] hit the tank, the railway should have had the abandoned tank removed already.

After [REDACTED] completed [REDACTED] reasons as to why [REDACTED] not responsible, I asked [REDACTED] who [REDACTED] "people" were. [REDACTED] responded " [REDACTED] people" were [REDACTED] associates and friends.

[REDACTED] was informed that [REDACTED] was aware of the tanks presence before [REDACTED] obtained a crew to do the ditch work and that [REDACTED] told us that [REDACTED] knew it held some sort of materials, because [REDACTED] told us that [REDACTED] had wanted to scrap the tank, but later changed [REDACTED] mind once [REDACTED] realized it wasn't empty. [REDACTED] was informed that [REDACTED] crew hit the pipe that caused the release. [REDACTED]

[REDACTED] jumped in at that point and stated that the tank had been seeping even before the pipe was hit. [REDACTED] was informed that the tank spill was not secured and that rocks and dirt were

used to block the valve at the base of the tank. At this point [REDACTED] told me that both

[REDACTED] and I know that [REDACTED] is trying to wriggle out of this situation. I tried to offer [REDACTED] another example of a spill to help [REDACTED] see [REDACTED] responsibility. [REDACTED] still held firm that the railway was responsible for leaving that "time bomb waiting to happen" out there. I told [REDACTED] that an intact tank that wasn't leaking would not be a violation of the regulations. I informed [REDACTED]

[REDACTED] that I would be back out tomorrow to investigate the situation and the plume location. I highly recommended that [REDACTED] view the LDEQ website and review the list of clean up contractors and find one that would meet [REDACTED] needs. I told [REDACTED] that I would contact [REDACTED] tomorrow morning to see what [REDACTED] plans to do.

Later that evening I made to calls to [REDACTED] of Acadiana Railway ([REDACTED] cell). I was unable to reach [REDACTED] that evening.

I also attempted to locate a property owner that evening by reviewing the Acadia Parish Assessors website. Unfortunately the property where the tank was located did not show any ownership.

On May 29, 2011, at approximately 7:25 am I received a call from [REDACTED] from Acadiana Railway. I explained the situation to [REDACTED] said that [REDACTED] had no knowledge of any tanks on the Railway property. [REDACTED] stated that [REDACTED] had given [REDACTED] permission to replace railroad ties at the site, but again that [REDACTED] did not know of any tanks on their property. I asked [REDACTED] to meet me at the site this morning, but [REDACTED] stated [REDACTED] is out of town (Mobile). I asked [REDACTED] if there was anyone else [REDACTED] could send out there with knowledge of the site, and [REDACTED] stated no. I explained the severity of the situation. [REDACTED] is not accepting any responsibility for the incident. I emailed [REDACTED] a few photos of the tank in question. [REDACTED] called me back and said had spoken to the owner of the company and that [REDACTED] departed Mobile and was in route to Louisiana. I asked [REDACTED] to call me when [REDACTED] got in town so that we could meet.

At approximately 9:30am, while en route to the oil spill site, I placed a call to Union Pacific Railway. According to the Acadia Parish Assessors website the UPR owns property adjacent to the tank. I spoke to [REDACTED] of Union Pacific Railway ([REDACTED]). I described the situation at hand and informed [REDACTED] that I was trying to determine who owns the property in question. We discussed the two railway spurs in question. [REDACTED] checked into the situation and called me back. [REDACTED] stated that Union Pacific Railway does not have any property in Crowley, LA. [REDACTED] said that [REDACTED] saw that BNSF Foster had some lines between Western Avenue and Roller Road. [REDACTED] provided me with a number for BNSF [REDACTED]. I spoke to [REDACTED] Manager of Environmental Remediation with BNSF. I explained the situation at hand. [REDACTED] stated that [REDACTED] would have to get with Roadmaster in Lafayette and that [REDACTED] would get back in touch with me.

At approximately 9:45am, I tried calling [REDACTED] ([REDACTED]). [REDACTED] did not answer.

I arrived at the Crowley Fire Station at approximately 10:00am and I met with Fireman [REDACTED]. We departed shortly thereafter to assess the plume. [REDACTED] and I identified the plume behind the homes along Bayou Oaks Road. The edge of the plume was located at 30°12'6.62"N and -92°22'38.00"W. We continued to check the bayou along the edge of the golf course community. The material was patchy throughout the bayou. While conducting the assessment I received a call from [REDACTED] at approximately 11:15am. [REDACTED] informed me that I would be receiving a call from [REDACTED] with EPA Region 6. I updated [REDACTED] of our observations/activities.

Fireman [REDACTED] and I drove over to the ballpark and checked out the situation from that side of the bayou. Then we drove over to the Roller Road Bridge area. The material had spread much further west and was more concentrated (thicker) than it was the day before. While at the Roller Road Bridge, Fireman [REDACTED] got dispatched to 20 Bayou Oaks Road. As we approached the

residence located at [REDACTED], a fire truck and a couple of sheriff's office patrol units were observed. When we arrived on site we met with several firemen, several sheriff deputies, and a few residents. The residents were irate over the oil in the bayou. I assured them that the Department was aware of the situation and working with the responsible party to get the situation resolved. They informed me that they would be calling the news media.

After departing the residence, at approximately 11:35 am, I received a call from [REDACTED] with EPA Region 6. I updated [REDACTED] on the situation at hand.

At approximately 11:50 am, I contacted [REDACTED] ER responder for air monitoring assistance. [REDACTED] advised me that [REDACTED] would depart Lafayette just as soon as possible.

At 12:05pm – I received a call from [REDACTED] an EPA Start Contractor with Weston Solutions. [REDACTED] stated that [REDACTED] would be coming to the site and asked for directions from Houston. [REDACTED] did not come to the site. [REDACTED] & [REDACTED] arrived later in the day.)

At 12:30pm, I contacted [REDACTED] I updated [REDACTED] on the newest developments, and informed [REDACTED] that the citizens informed me that they would be contacting the news media. [REDACTED] informed me that [REDACTED] of LDEQ was in route to the site.

At 12:45pm, I called [REDACTED] This time [REDACTED] answered my call. I asked [REDACTED] what actions [REDACTED] had taken. [REDACTED] said that [REDACTED] had not taken any actions yet. [REDACTED] informed me that we [REDACTED] and I) had a difference of opinion and began to give me reasons (same reasons as the night before) why [REDACTED] is not responsible for the incident. [REDACTED] stated that [REDACTED] felt trapped. I informed [REDACTED] that another LDEQ ER response member was headed to the site and that once the ER response member arrived in Crowley that we would like to meet with [REDACTED]. I informed [REDACTED] that I would get an estimated time of arrival for the ER response member [REDACTED] and call [REDACTED] back. At 1:05pm, I called [REDACTED] and informed [REDACTED] that [REDACTED] and I would like to meet [REDACTED] at the site at 2:30pm. [REDACTED] agreed to meet us at the site at 2:30pm.

At 1:20pm, I received a call from [REDACTED] with the U.S. Coast Guard [REDACTED]. [REDACTED] stated that the Coast Guard had received NRC reports of the spill and were in route. I gave [REDACTED] directions to the site and [REDACTED] stated [REDACTED] would call me when they arrived since I was not at a fixed location.

At 1:35pm I received a call from [REDACTED] of Acadiana Railway [REDACTED] was at the site. I advised [REDACTED] that I would go out to the site shortly. [REDACTED] arrived at the Crowley Fire Station around 1:45pm. I greeted [REDACTED] in the parking lot and we left to go meet [REDACTED] I updated [REDACTED] of the situation as we drove to the site. [REDACTED] and Fireman [REDACTED] departed the fire station at the same time to begin air monitoring activities.

At 1:50pm [REDACTED] and I arrived at the tank site. [REDACTED] was waiting for us. [REDACTED] stated that the property in question does not belong to Acadiana Railway and [REDACTED] said that [REDACTED] was unaware that a tank even existed on that property. [REDACTED] stated that [REDACTED] company simply delivers railcars to the site and that they have no maintenance obligations at the site. [REDACTED] stated that the spur belonged to Southwest Rice Mill. I completed a Field Interview Form and [REDACTED] signed the FIF and received a copy of the FIF.

After meeting with [REDACTED] [REDACTED] and I drove over to Roller Road Bridge so that [REDACTED] could see what was going on over there. A few minutes later I received a call from [REDACTED] that they [REDACTED] & Fireman [REDACTED] were at the tank site and that an EPA start contractor was on site. [REDACTED] and I left the bridge location and went back to the tank location. We arrived at the site just a few minutes later [REDACTED] was also at the site. [REDACTED] discussed the situation at hand with [REDACTED] [REDACTED] held firm to [REDACTED] conviction that [REDACTED] was not responsible. [REDACTED] finally made some head way with [REDACTED] and [REDACTED] stated that [REDACTED] contacted TRIAD. [REDACTED] spoke to [REDACTED] of TRIAD. [REDACTED] informed [REDACTED] that the employees were 40 hour hazwoper trained /8 hour refreshed and that they were capable of conducting oil spill response activities. (It was later discovered that TRIAD was formerly B&B) [REDACTED] ETA was 4:45pm. At this time [REDACTED] of Weston Solutions [REDACTED] was on site. He informed us that another EPA Start Contractor from Baton Rouge was also on [REDACTED] way to the site. [REDACTED] updated us on the air monitoring [REDACTED] stated that [REDACTED] VOC readings ranged from 4-11, and that the higher concentration was noted just above the surface of the oil on top of the water.

At 3:25pm, I was contacted by [REDACTED] of the US Coast Guard. [REDACTED] informed me that they were leaving the resident's property at the golf course and that [REDACTED] would head my way. A few minutes later [REDACTED] and [REDACTED] arrived on site. They viewed the situation from the Roller Road Bridge. I updated them on my observations. I informed them that the plume on the west side of Bayou Blanc had not been established yet, but the materials had moved further down the water body since that morning. After viewing the water from Roller Road Bridge, we all drove over to the tank site. At that time [REDACTED] EPA Start Contractor [REDACTED] was on site. The Coast Guard representatives departed shortly thereafter.

At approximately 4:15pm, [REDACTED] of TRIAD arrived on site. [REDACTED] and I walked around the tank site. We walked to Mills St. to view where the materials flowed off site and traveled via unnamed drainage ditch towards the Bayou. In [REDACTED] presence it was established that the goal of the day was to contain the plume. Another TRIAD employee arrived on site a few moments later. A few minutes later I contacted [REDACTED] and asked if they could bring the gator over to the Roller Road Bridge location so that the plume could be established. Fireman [REDACTED] took the TRIAD employees down the edge of the Bayou so they could locate the edge of the plume so they could establish a point to deploy boom. The plume of oil had traveled approximately 1000' past the bridge.

[REDACTED] Fireman [REDACTED] and I had a good estimation of the location of the plume behind the Bayou Oaks homes from earlier investigations during the day.

At approximately 6:15pm, after Fireman [REDACTED] and the TRIAD representatives returned from establishing the plume past the Roller Road Bridge, all parties grouped around. I asked [REDACTED] if [REDACTED] was going to contract with a clean up company. I informed [REDACTED] that the situation had gone on long enough without any action being taken. I informed [REDACTED] that it had been over 24 hours since [REDACTED] was informed of the situation (at which time [REDACTED] acknowledged [REDACTED] employees hit the pipe on the tank which caused the release) and [REDACTED] responsibility. [REDACTED] was reminded that the plume had yet to be contained. [REDACTED] informed me that [REDACTED] was willing to pay for part of the clean up but not all of it. I informed [REDACTED] that the clean

up contractor is not going to accept a partial payment and they would expect to be compensated for their work. [REDACTED] asked me, "What do you want me to do?" I informed [REDACTED] that the plume needed to be contained and the site needed to be cleaned up. [REDACTED] eventually agreed to have boom deployed by TRIAD to stop the plume, but that [REDACTED] wanted to group up tomorrow morning to negotiate the clean up efforts. I informed [REDACTED] that it was time to step on or step off the boat, but if a clean up plan/contract was not established between [REDACTED] and a clean up contractor of [REDACTED] choice at this time, EPA was ready to step in. At this point, [REDACTED] raised [REDACTED] voice and said, "I am with all do respect..", but [REDACTED] cut [REDACTED] off. [REDACTED] started saying again how [REDACTED] was not responsible, and that [REDACTED] would be willing to partially participate but not wholly participate. [REDACTED] gave [REDACTED] 30 minutes to make a decision. TRIAD was given direction by [REDACTED] to deploy boom. They left the site and headed to the golf community to place boom. During this time [REDACTED] pled [REDACTED] case to [REDACTED] and asked for advice. [REDACTED] informed [REDACTED] that LDEQ would not advise [REDACTED] of what to do and asked for a decision. At 6:51pm, [REDACTED] declared that [REDACTED] would take [REDACTED] chances with the Feds" and made it known to LDEQ representatives and EPA Start Contractors [REDACTED] and [REDACTED] that [REDACTED] wanted EPA to take over the clean up. [REDACTED] and [REDACTED] spoke to [REDACTED] with EPA. A few minutes later [REDACTED] stated that [REDACTED] would fly in tomorrow and be the FOSC.

At this point, [REDACTED] and I left the tank location and observed the placement of the containment boom behind the golf course community. At this point the oil had moved back towards the west. Containment boom was placed behind the residence at 10 Bayou Oaks (30°12'15."N and -92°22'43.00"W) at 7:30pm. Next, we headed over the Roller Road location. Private residents granted permission for us to go on their property and deploy containment boom. The containment boom was placed approximately 1000' beyond the Roller Road Bridge (30°11'27."N and -92°23'33.00"W) at 8:30pm.

On May 30, 2011, I arrived at the site at approximately 1:00pm. [REDACTED] the Federal On-Scene Coordinator had just arrived at the site. Also on site were TRIAD and USES (the clean up contractor working for EPA). When I arrived on site [REDACTED] informed me that [REDACTED] was just informed that [REDACTED] had made a decision to handle the clean up and not have it federalized. [REDACTED] and I had a discussion about the change of plans. [REDACTED] assured me that EPA would remain on site through out the clean up and that their contractor would also remain at the site. EPA agreed to allow their Start Contractors to pull samples and offered to share the results with LDEQ and TRIAD. Negotiations began between [REDACTED] TRIAD, and USES. At approximately 3:00pm, the contract for the clean up work was signed. TRIAD was the lead contractor and USES would work for TRIAD. Clean up began shortly thereafter. The clean up efforts were concentrated on free skimmable oil. Contractors began using a few drum skimmers and direct vacuuming to begin the clean up process. More equipment and personnel were in route to the site. It was decided that clean up activities would be conducted only during daylight hours.

Clean up activities continued on May 31, 2001 and June 1, 2011. On the evening of June 1, 2011, the clean up became federalized. EPA took over the control of the clean up operation. The

roles of the clean up contractors reversed. USES became the primary clean up contractor and TRIAD began working for USES. The clean up continued daily.

During one of the days that [REDACTED] of LDEQ, was overseeing activities the site [REDACTED] called in to the ARO to report that the top of the storage tank had been removed. [REDACTED] stated that the residual line of the materials inside the tank was approximately 7' from the top of the tank thus the tank was approximately 2/3 full when it was released. [REDACTED] stated that based on information [REDACTED] had received [REDACTED] had determined that the tank was a 440 barrel in size. [REDACTED] also stated that base of the tank still contained 1 1/2 - 2 feet of sludge. [REDACTED] informed me that based on [REDACTED] calculations approximately 11,000 gallons were released from the tank.

Before emptying the tank the EPA Start Contractors sampled the materials in the bottom of the tank. They agreed to share the analytical data with LDEQ.

Clean up activities continued daily until June 16, 2011, when the clean up was deemed complete by the FOSC. Only some sorbent boom remained in the bayou. It was decided that the sorbent boom would remain in place until the first rain event to make sure that the clean up was 100% complete.

During the clean up approximately [REDACTED] gallons of free skimmable oil was collected. The oil and oily wastewater were shipped to the TRIAD facility for recovery.